

Remarks

Applicant has carefully reviewed the application in light of the April 29, 2005 Office Action. To clarify the presently claimed concepts, Applicant has amended claims 1, 14, 17, and 33. Applicant submits, however, that these amendments have not narrowed the scope of these claims. For the reasons provided below, Applicant asserts that the currently pending claims are patentably distinct over the cited patents. Applicant therefore respectfully requests favorable action for this case.

§ 103 Rejections

The Examiner rejects claims 1-56 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,643,623 issued to Kolls ("the Kolls patent") in view of U.S. Patent No. 6,714,559 issued to Meier ("the Meier patent"). Detailed Action ¶ 3. The Examiner also rejects claims 6, 8, 16, 23, 30, 32, 36, 43, 45-46, and 49-56 under § 103(a) as being unpatentable over the Kolls patent in view of the Meier patent and U.S. Patent No. 6,574,603 issued to Dickson et al. ("the Dickson patent"). Detailed Action ¶ 4. Applicant disagrees.

To render a claim prima facie unpatentable under § 103 based on a combination of references, an Examiner must establish that the references or the knowledge generally available to one skilled in the art teach or suggest combining the references, that there is a reasonable expectation of success in making the combination, and that the combined references teach or suggest all of the claim's limitations. M.P.E.P. § 2143. Furthermore, the combination cannot alter the principle of operation of a reference. Id.

The Examiner's rejection of claim 1 based on the Kolls patent and the Meier patent fails to show that the patents teach or suggest the asserted limitations and, hence, fails to establish a prima facie case of unpatentability under § 103. To begin, the Examiner asserts that: 1) an in-location point-of-sale (POS) system 614 is an in-store controller for processing at least one message relating to a retail fueling environment; 2) a server 632 is a server module connected to POS system 614 and comprises a wireless communication means 558 that is at least one of a transmitter and a receiver for wirelessly transmitting the at least one message to a client module;

3) a personal computer (PC) 630B is the client module and comprises a transmitter and a receiver and is operable to interface server 632 with a service device; and 4) a kiosk 628 or a laptop print station 646 is a service device connected to PC 630B for processing the at least one message.

Detailed Action ¶ 3. The Examiner, however, ignores that the Kolls patent fails to teach or suggest that server 632 includes a wireless receiver and/or transmitter for sending a message to PC 630B. Moreover, the Kolls patent does not even teach or suggest that server 632 and PC 630B communicate with each other. The Examiner also ignores that the Kolls patent fails to teach or suggest that PC 630B is operable to interface server 632 with kiosk 628 or laptop print station 646 for processing of the at least one message. In fact, the Kolls patent teaches that PC 630B is a peripheral device, col. 5, ll. 24-27, that can allow a user to access PC services, col. 5, l. 53 – col. 6, l. 10. Thus, there is no teaching or suggestion that PC 630B even communicates with kiosk 628 or print station 646, much less provides an interface between server 632 and these components.

Applicant notes the Examiner's assertion that PC 630B can interface server 632 with a remote location 634. Detailed Action ¶ 3. But upon inspecting the Kolls patent closely, it teaches that server 632, not PC 630B, communicates with remote location 634. col. 19, ll. 54-64.

Thus, the Examiner's assertions fail to teach or suggest all of claim 1's limitations, rendering a prima facie rejection invalid. Applicant respectfully submits that claim 1 is therefore allowable over the Kolls patent and the Meier patent.

The other independent claims - claims 14, 17, 33, and 47 - possess limitations analogous to those in claim 1. For at least the reasons given with respect to claim 1, therefore, these claims are also allowable.

Claims 2-13 depend from claim 1 and, hence, contain all of its limitations, which have already been shown to distinguish over the Kolls patent and the Meier patent. Claims 2-13, however, also contain additional limitations to those recited in claim 1. Thus, claims 2-13 contain additional limitations to those that have already been shown to distinguish over the cited patents. For at least these reasons, claims 2-13 are patentable over the Kolls patent and the Meier patent.

Claims 15-16 depend from claim 14 and, hence, contain all of its limitations, which have already been shown to distinguish over the Kolls patent and the Meier patent. Claims 15-16, however, also contain additional limitations to those recited in claim 14. Thus, claims 15-16 contain additional limitations to those that have already been shown to distinguish over the cited patents. For at least these reasons, claims 15-16 are patentable over the Kolls patent and the Meier patent.

Claims 18-32 depend from claim 17 and, hence, contain all of its limitations, which have already been shown to distinguish over the Kolls patent and the Meier patent. Claims 18-32, however, also contain additional limitations to those recited in claim 17. Thus, claims 18-32 contain additional limitations to those that have already been shown to distinguish over the cited patents. For at least these reasons, claims 18-32 are patentable over the Kolls patent and the Meier patent.

Claims 34-46 depend from claim 33 and, hence, contain all of its limitations, which have already been shown to distinguish over the Kolls patent and the Meier patent. Claims 34-46, however, also contain additional limitations to those recited in claim 33. Thus, claims 34-46 contain additional limitations to those that have already been shown to distinguish over the cited patents. For at least these reasons, claims 34-46 are patentable over the Kolls patent and the Meier patent.

Claims 48-56 depend from claim 47 and, hence, contain all of its limitations, which have already been shown to distinguish over the cited patents. Claims 48-56, however, also contain additional limitations to those recited in claim 47. Thus, claims 48-56 contain additional limitations to those that have already been shown to distinguish over the cited patents. For at least these reasons, claims 48-56 are patentable over the Kolls patent and the Meier patent.

In regards to the rejection of claims 6, 8, 16, 23, 30, 32, 36, 43, 45-46, and 49-56 in view of the Kolls patent, the Meier patent, and the Dickson patent, this rejection only attempts to address the limitations recited in these claims. Thus, it does not address any of the previously untaught limitations in these claims respective independent claims. For at least these reasons,

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claims 6, 8, 16, 23, 30, 32, 36, 43, 45-46, and 49-56 are patentable over the combination of the Kolls patent, the Meier patent, and the Dickson patent.

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Conclusion

Applicant submits that a good faith effort has been made to advance the prosecution of this application and that the application is in condition for allowance. If, however, Applicant is mistaken regarding the latter, Applicant requests that the Examiner contact their below-listed attorney if any matters may be rectified.

Enclosed is a \$ 120.00 check for the Petition for Extension of Time fee. Applicant does not believe that this paper requires any other fee adjustment. If, however, Applicant is mistaken, please apply any charges or credits to deposit account 06-1050, with reference to the above attorney docket number.

Respectfully submitted,

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